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**Monday,
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Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, April 2000

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Order 12866 "Regulatory Planning and Review." The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an

item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. Requests for copies of the agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 118-E, Jamie Whitten Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1272.

Dated: February 28, 2000.

Jacquelyn Y. Chandler,
Chief, Legislative, and Regulatory Staff.

Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1	Supervisory Follow-Up Inspections for Fresh Fruit and Vegetable Inspection and Certification Services	0581-AB68
2	Amend Regulations for Tobacco Inspection	0581-AB75
3	Meat Grading Regulations for Imported Livestock	0581-AB81
4	Grade Standards and Classification for American Pima Cotton	0581-AB82

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
5	National Organic Program	0581-AA40
6	National Laboratory Accreditation Program	0581-AB42
7	Processed Fruits and Vegetables: Qualified Through Verification (QTV)	0581-AB58
8	General Specifications for Dairy Plants Approved for USDA Inspection and Grading	0581-AB59
9	Blueberry Research, Promotion, and Information Order	0581-AB61
10	Livestock Mandatory Reporting Act of 1999	0581-AB64
11	Cotton Classification Services to Growers, User Fees for 2000 Crop	0581-AB72
12	Perishable Agricultural Commodities Act: Increase in License and Complaint Fees	0581-AB76
13	Federal Seed Testing and Certification Services, Increase in Fees	0581-AB80
14	Honey Research and Promotion Program	0581-AB84
15	Changes in Fee for Voluntary Federal Fruits and Vegetables, Processed	0581-AB85

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
16	Voluntary Shell Egg Regulations; Repackaging of Shell Eggs Under USDA's Grading Program	0581-AB56
17	Refrigeration Requirements for Shell Eggs	0581-AB60
18	Olive Oil Research, Promotion, and Information Order	0581-AB62
19	Fees for Destination Market Inspection of Fresh Fruits and Vegetables and Other Products: Fee Increase	0581-AB63
20	Program to Assess Organic Certifying Agencies	0581-AB70
21	Regulations Governing the Inspection of Eggs	0581-AB74
22	Blueberry Research and Promotion Order	0581-AB78
23	Changes in Fees for Voluntary Federal Meat Grading and Certification Services	0581-AB83

USDA

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
262	Substances Approved for Use in the Preparation of Meat and Poultry Products	0583-AB02
263	Nutrition Labeling of Ground Beef and Hamburger	0583-AB74
264	Rules of Practice	0583-AC34
265	Irradiation of Meat and Meat Products	0583-AC50
266	Labeling of Food Under the Voluntary Nutrition Labeling Program; 1996 Retail Survey Compliance Results	0583-AC55
267	Food Additives for Use in Meat and Poultry Products: Sodium Diacetate, Sodium Acetate, Sodium Lactate, and Potassium Lactate	0583-AC66
268	Fee Increase for Meat and Poultry Inspection Services	0583-AC67

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
269	Export Sales Reporting Requirement	0551-AA51

Foreign Agricultural Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
270	CCC Supplier Credit Guarantee Program	0551-AA30
271	Facility Guarantee Program	0551-AA35

Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
272	Dairy Tariff-Rate Import Quoting Licensing	0551-AA58

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
273	Hydropower Applications	0596-AA47
274	Small Tracts Act Regulations	0596-AA79
275	National Forest System Land and Resource Management Planning	0596-AB20
276	Species Surplus to Domestic Manufacturing Needs	0596-AB27
277	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands	0596-AB45
278	Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Permit Urgent Removal of Other Timber	0596-AB48
279	National Environmental Policy Act; Revised Policy and Procedures; Categorical Exclusions	0596-AB54
280	Law Enforcement Support Activities	0596-AB61
281	Administration of the Forest Development Transportation System	0596-AB67
282	Noncompetitive Sale of Timber	0596-AB70
283	Categorical Exclusion for Certain Special Uses Permit Actions (FSH 1909.15, Chapter 30)	0596-AB73
284	Clarification of Exemptions From Special-Use Authorizations	0596-AB74
285	Sale and Disposal of National Forest System Timber; Timber Export and Substitution Restrictions	0596-AB75
286	Appeal of Regional Guides and National Forest Land and Resource Management Plans; Multi-Agency Decisions ..	0596-AB76
287	Protection of National Forest System Roadless Areas	0596-AB77

USDA

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
288	Indian Allotments on National Forest System Lands	0596-AA52
289	Disposal of National Forest Timber; Cancellation of Timber Sale Contracts	0596-AB21
290	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations	0596-AB36
291	Preference for Visitor Service; Alaska National Forest Conservation System Units	0596-AB57
292	Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities	0596-AB69
293	Small Business Timber Sale Set-Aside Recomputation Basis	0596-AB72
294	Administration; Cooperation With Other Federal Agencies (36 CFR Part 211, Subpart C)	0596-AB78

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
295	National Forest Prohibitions	0596-AA75
296	State and Private Forestry Assistance Stewardship Incentive Program	0596-AB32
297	Administrative, Cooperative Funds Agreements	0596-AB63

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
298	Designation of Rural Empowerment Zones and Enterprise Communities	0503-AA20

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
299	Nondiscrimination in USDA-Conducted Programs and Activities	0503-AA15
300	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	0503-AA16

Rural Business-Cooperative Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
301	Business and Industry Direct Loan Program	0570-AA22
302	Business and Industrial Guaranteed Loan Program—Miscellaneous Changes	0570-AA23
303	Affirmative Fair Housing Marketing Plan	0570-AA24
304	Business and Industry Guaranteed Loan Program—Financing Cooperative Stock	0570-AA26
305	Rural Business Enterprise Grant Program	0570-AA28
306	Allocation Formulas	0570-AA30

Rural Business-Cooperative Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
307	Rural Economic Development Loan and Grant Program	0570-AA19

USDA—FSIS

Completed Actions

267. • FOOD ADDITIVES FOR USE IN MEAT AND POULTRY PRODUCTS: SODIUM DIACETATE, SODIUM ACETATE, SODIUM LACTATE, AND POTASSIUM LACTATE**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 601 and 451 eq seq.**CFR Citation:** 9 CFR 424**Legal Deadline:** None

Abstract: The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations to increase permissible levels of sodium acetate as a flavor enhancer in meat and poultry products and of sodium diacetate as a flavor enhancer and as an inhibitor of the growth of certain pathogens. FSIS is also permitting the use of sodium lactate and potassium lactate in meat and poultry products, except for infant formulas and infant food, for purposes of inhibiting the growth of certain pathogens. FSIS is proceeding with this direct final rule in response to petitions submitted by Armour Swift-Ekrich and Purac America, Inc.

Timetable:

Action	Date	FR Cite
Final Action	01/20/00	65 FR 3121
Final Action Effective	03/20/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Robert Post, Director, Department of Agriculture, Food Safety and Inspection Service, Labeling and Additives Policy Division, Washington, DC 20250

Phone: 202 205-0279

RIN: 0583-AC66**268. • FEE INCREASE FOR MEAT AND POULTRY INSPECTION SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** None**CFR Citation:** 9 CFR 391**Legal Deadline:** None

Abstract: FSIS is increasing the fees that it charges meat and poultry

establishments, importers, and exporters for providing voluntary inspection services, overtime and holiday inspection services, identification services, certification services, and laboratory services. The fee increases will be effective 1/1/00.

Timetable:

Action	Date	FR Cite
NPRM	11/10/99	64 FR 61223
NPRM Comment Period End	12/10/99	
Final Action	12/28/99	64 FR 72492

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Daniel L. Engeljohn, Director, Regulations Development and Analysis Division, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250

Phone: 202 720-5276

RIN: 0583-AC67**BILLING CODE** 3410-DM-F

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Foreign Agricultural Service (FAS)

269. EXPORT SALES REPORTING REQUIREMENT**Priority:** Other Significant**Legal Authority:** 7 USC 5712**CFR Citation:** 7 CFR 20**Legal Deadline:** None

Abstract: Consideration of a proposal to add meat and meat products to the list of commodities for which advanced notice of export is reported, and a streamlined electronic reporting system as the means to accomplish that reporting. A proposed rule will solicit public comments.

Timetable:

Action	Date	FR Cite
ANPRM	11/14/96	61 FR 58343
ANPRM Comment Period End	01/13/97	
NPRM	03/03/00	65 FR 11483
NPRM Comment Period End	05/03/00	
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 0551-AA51

DEPARTMENT OF AGRICULTURE (USDA)

Long-Term Actions

Foreign Agricultural Service (FAS)

270. CCC SUPPLIER CREDIT GUARANTEE PROGRAM**Priority:** Economically Significant**CFR Citation:** 7 CFR 1493**Timetable:**

Action	Date	FR Cite
NPRM	07/19/95	60 FR 37025
NPRM Comment Period End	09/18/95	

Interim Final Rule 07/01/96 61 FR 33825

Final Action To Be Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

USDA—FAS

Long-Term Actions

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271. FACILITY GUARANTEE PROGRAM

Priority: Other Significant
CFR Citation: 7 CFR 17; 7 CFR 1493

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/93	58 FR 11786
Interim Final Rule	06/01/93	
Comment Period		
End		
Interim Final Rule	08/08/97	62 FR 42651
Interim Final Rule	10/07/97	
Comment Period		
End		
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Foreign Agricultural Service (FAS)

272. DAIRY TARIFF-RATE IMPORT QUOTING LICENSING

Priority: Substantive, Nonsignificant
CFR Citation: 7 CFR Part 6

Completed:

Reason	Date	FR Cite
Final Action	01/10/00	65 FR 1297
Final Action Effective	02/09/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Forest Service (FS)

273. HYDROPOWER APPLICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The Forest Service is revising its current policy and procedures, implemented in February 1987, concerning administration of hydropower authorizations and the processing of proposals for hydropower projects affecting National Forest System lands. These revisions are necessary to make Agency policy and procedures consistent with regulatory changes by the Federal Energy Regulatory Commission (FERC). The proposed policy was published in the Federal Register on May 22, 1995 (60 FR 27153) for a 60-day public comment period, which was extended for another 45 days (60 FR 36401). As a result of the comments received, substantial changes were made to the proposed policy (60 FR 36401). Therefore, the

Forest Service is publishing a revised proposed policy for public comment.

Timetable:

Action	Date	FR Cite
NPRM	05/22/95	60 FR 27153
NPRM Comment	07/17/95	60 FR 36401
Period Extended		
NPRM Comment	09/05/95	
Period End		
Second NPRM	08/00/00	
Second NPRM	10/00/00	
Comment Period		
End		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090
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RIN: 0596-AA47

274. SMALL TRACTS ACT REGULATIONS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 16 USC 521(c) to 521(i)

CFR Citation: 36 CFR 254

Legal Deadline: None

Abstract: Implementation of the Agency's Small Tracts regulations (adopted in 1984) has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral

USDA—FS

Proposed Rule Stage

fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/00	
NPRM Comment Period End	11/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0596-AA79

275. NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 16 USC 1600 et seq; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None

Abstract: On October 5, 1999, the Forest Service published a proposed rule to guide land and resource management planning for the National Forest System. The proposed planning framework makes sustainability the foundation for National Forest System planning and management and establishes requirements for implementation, monitoring, evaluation, amendment, and revision of land and resource management plans. The intended effects are to simplify, clarify, and otherwise improve the planning process to reduce burdensome and costly procedural requirements and to strengthen collaborative relationships with the public and other government entities. The comment period ends on January 4, 2000.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/91	56 FR 6508
NPRM	04/13/95	60 FR 18886
NPRM Comment Period End	08/17/95	60 FR 36767
Second NPRM	10/05/99	64 FR 54074
Comment Period Extended	12/23/99	64 FR 72064
Second NPRM Comment Period End	01/04/00	
Comment Period End	05/00/00	
Final Action	08/00/00	
Final Action Effective	09/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0596-AB20

276. SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 620 et seq

CFR Citation: 36 CFR 223.200

Legal Deadline: None

Abstract: This proposed rule would amend 36 CFR 223.200 to list species proposed to be surplus to domestic manufacturing needs. This proposed rule would implement a portion of section 620a(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 USC 620 et seq.). Section 620a(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange, or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 620a(b) of the Act provides that the prohibition contained in section (a) shall not apply to specific quantities of grades and species of unprocessed timber originating in Federal lands which the Secretary determines, through rulemaking, to be

surplus to domestic manufacturing needs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	
NPRM Comment Period End	06/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0596-AB27

277. APPEAL OF DECISIONS RELATING TO OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 251; 36 CFR 214

Legal Deadline: None

Abstract: These proposed regulations would redesignate these appeals rules as a new part 214, thus placing all appeals and notices and comment rules in close proximity. Additionally, this proposed rule would revise a number of existing provisions. For example, changes to part 251 would clarify the application of this rule to the issuance of permits for occupancy and use of National Forest System lands. When 36 CFR part 251, subpart C, regulations were promulgated in 1989, NEPA analysis and documentation was not consistently applied to the authorization of special uses. Now the authorization and the issuance of permits and other authorization requires application of the NEPA process prior to issuance. In addition, since these regulations were implemented, Congress has passed the Appeal Reform Act. The proposed changes to the permit related appeal rules are needed to make this regulation consistent with regulations at 36 CFR part 215. Among specific proposed changes being considered are removing the second level of appeal opportunity, removing the discretionary

USDA—FS

Proposed Rule Stage

review option, shortening timeframes for scheduling oral presentations, and changes to conform terminology and definitions with 36 CFR part 215.

Timetable:

Action	Date	FR Cite
NPRM	07/00/00	
NPRM Comment Period End	09/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0596-AB45

278. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; EXTENSION OF TIMBER SALE CONTRACTS TO PERMIT URGENT REMOVAL OF OTHER TIMBER

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472a; 16 USC 618; 16 USC 620

CFR Citation: 36 CFR 223.50; 36 CFR 223.53

Legal Deadline: None

Abstract: This rule and policy change will provide for extension of National Forest System (NFS) timber sale contracts when such extension will permit the prompt removal and utilization of non-NFS-owned timber damaged by catastrophic events. The change will define the responsibilities of the parties for requesting and approving such extensions and specify when such extension should be approved. This change will also allow for the use of scarce timber resources and the recovery of economic benefits from timber that might otherwise be lost because of contractual obligations to harvest undamaged timber.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	
NPRM Comment Period End	07/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0596-AB48

279. NATIONAL ENVIRONMENTAL POLICY ACT; REVISED POLICY AND PROCEDURES; CATEGORICAL EXCLUSIONS

Priority: Other Significant

Legal Authority: 42 USC 4371

CFR Citation: 36 CFR 260

Legal Deadline: None

Abstract: The proposed revision to Forest Service Manual and Handbook direction would be revised to clarify the environmental analysis process used by the Forest Service to implement the NEPA regulations at 40 CFR part 1500. The proposal will focus on better defining the process for determining when projects are categorically excluded and expanding the categories of action that can be excluded under NEPA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	
NPRM Comment Period End	08/00/00	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AB54

280. LAW ENFORCEMENT SUPPORT ACTIVITIES

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 7 USC 1011(f); 16 USC 472; 16 USC 551; 16 USC 559(a) to 559(g); 40 USC 484(m)

CFR Citation: 36 CFR 262

Legal Deadline: None

Abstract: In February 1994, the Forest Service published proposed rule changes for parts 261 and 262 of title 36 of the Code of Federal Regulations. Due to the high level of interest in and comment on part 261, the decision was made to publish a second proposed rule. The majority of the public comment on part 262 referred to the definition section which has been revised to respond to those comments. The Forest Service has decided to issue a second proposed rule for comment on part 262, Law Enforcement Support Activities. Proposed revisions to part 261 will proceed separately.

Timetable:

Action	Date	FR Cite
NPRM	02/16/94	59 FR 7880
NPRM Comment Period End	05/18/94	
Second NPRM	09/00/00	
Second NPRM Comment Period End	11/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0596-AB61

281. ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551; 23 USC 205

CFR Citation: 36 CFR 212

Legal Deadline: None

Abstract: The Forest Service proposes to change how the National Forest road system is improved, maintained, operated, and funded. Advanced notice of the Agency's intent was published January 28, 1998, concurrently with publication of a notice of a proposed interim rule to Temporarily Suspend

USDA—FS

Proposed Rule Stage

Road Construction in Roadless Areas. Extensive comments were received on both notices and have been considered in developing an interim final road suspension rule (February 12, 1999, 64 FR 7290) and in proposing a long range road management policy for the National Forest System.

The existing road system on National Forest System lands was largely funded and constructed through timber harvesting and the development of other resources to provide long-term access for use, management, and protection. In the last 10 years, public interest in the national forests has shifted substantially toward recreation use and resource protection. Road management emphasis needs to shift away from new construction and development toward operation and maintenance.

Accordingly, the Agency proposes to revise its transportation system rules at 36 CFR part 212 to change the emphasis from development of roads to operation and maintenance of roads. The Agency also proposes revision of its internal road management and forest planning direction to shift the focus of forest road system administration to access management rather than development and expansion and clarify terminology and definitions. A key element of the internal directive change is the adoption of science-based, multi-scale road analysis that subjects potential road construction and reconstruction to a rigorous analysis of effects and more completely considers unroaded area values. These analyses will be coordinated and integrated with other resource assessments and forest planning. This is expected to result in fewer roads, especially in unroaded areas, and a more affordable, safer, better maintained road system needed to access the national forests.

Timetable:

Action	Date	FR Cite
ANPRM	01/28/98	63 FR 4350
ANPRM Comment Period End	03/30/98	
NPRM	04/00/00	
NPRM Comment Period End	06/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0596-AB67

282. NONCOMPETITIVE SALE OF TIMBER

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472(a)

CFR Citation: 36 CFR 223.85

Legal Deadline: None

Abstract: This proposed rule would revise 36 CFR 223.85 by removing references to section 2001(k) of Public Law 104-19 (109 Stat. 246) and define "extraordinary conditions" to allow forest officers, without advertisement, to make modifications to timber and forest product sales, which result in the substitution of timber or forest products from outside the sale area specified in the contract. Under the proposed rule, substitute timber or forest products would have to come from the same administrative national forest and meet Agency requirements for compliance with the National Environmental Policy Act and other environmental laws. This proposed rule would not compel a timber purchaser to accept a timber sale modification offered under this rule. The rule only authorizes the Forest Service to propose modifications and to enter into discussions with purchasers on such modifications.

This proposed rule will reduce timber sale cancellations and partial cancellations, thus reducing future damage claims on timber sales.

Timetable:

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	01/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596-AB70

283. CATEGORICAL EXCLUSION FOR CERTAIN SPECIAL USES PERMIT ACTIONS (FSH 1909.15, CHAPTER 30)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321 to 4346

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In April 1997, the Forest Service completed a reengineering study of its special uses program. One finding in that study was that the Forest Service is conducting extensive National Environmental Policy Act (NEPA) analysis and documentation for the renewal or transfer of ownership of special use authorizations having no significant effect on the human environment, either individually or cumulatively. This level of NEPA compliance is costly, time consuming, and not commensurate with the risk attributed to the activity. Therefore, the Forest Service proposes to add a new category of categorical exclusions from NEPA documentation at sections 31.1b and 31.2 of FSH 1909.15, Environmental Policy and Procedures Handbook. This action would give clearer direction regarding the NEPA obligation, when issuance of a special use authorization is a purely ministerial action and no changes are proposed in permitted activities or facilities.

Further, the Forest Service proposes to amend section 30.3 to clarify the NEPA documentation that is needed for processing applications and authorizations under a categorical exclusion when extraordinary circumstances exist. The existing definition in section 30.3 implies that the "mere presence" of an extraordinary circumstance would require that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) be completed for actions that would otherwise be categorically excluded. The Forest Service proposes to amend this section to provide that an identified extraordinary circumstance must clearly have an impact on the National Forest resource to merit preparation of an EA or EIS.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	
NPRM Comment Period End	07/00/00	

Regulatory Flexibility Analysis Required: No

USDA—FS

Proposed Rule Stage

Small Entities Affected: No**Government Levels Affected:** None

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RIN: 0596-AB73

284. CLARIFICATION OF EXEMPTIONS FROM SPECIAL-USE AUTHORIZATIONS

Priority: Info./Admin./Other

Legal Authority: 16 USC 477 to 482; 16 USC 551; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251.50(c)

Legal Deadline: None

Abstract: In April 1997, the Forest Service completed a reengineering study of its special uses program on how to manage the program in a more business-like, customer-service-oriented way. The Agency proposes the following revisions to 36 CFR 251.50 that would implement recommendations from this study. The study determined that many units are issuing special use authorizations unnecessarily, thereby increasing workloads. The study concluded that the Agency should clarify the special uses rules at section 251.50(a) to make explicitly clear that special use authorizations should not be issued for activities that are regulated by other Forest Service regulations; for example, those governing the disposal of timber (part 223); minerals (part 228); the use of forest development roads and trails (part 212 and section 251.110); and the grazing of cattle (part 222). The study also concluded that section 251.50(d) should be revised to direct that special use authorizations should not be issued where such authorization would serve no land or resource management objective and would have nominal effects on National Forest System lands; for example, where activities are adequately regulated by other governmental entities or where an authorized officer determines that normal operation and maintenance by the holder is within the scope of a right-of-way, easement, or other valid existing real property interest. Further, the rule at section 251.50(c) would be revised to clarify that, in emergency situations, a special use authorization

should be sought at the earliest opportunity following the emergency to ensure that appropriate measures are carried out to protect National Forest System lands after the emergency situation no longer exists.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	
NPRM Comment Period End	07/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0596-AB74

285. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS

Priority: Other Significant

Legal Authority: 16 USC 620

CFR Citation: 36 CFR 223; 36 CFR 261

Legal Deadline: None

Abstract: The proposed rule for timber export and substitution restrictions would implement the Forest Resources Conservation and Shortage Relief Act of 1990, as amended. The proposed rule defines the certain terms necessary to facilitate uniform compliance; prohibits transfer of unprocessed private timber for export by a person who possesses or acquires unprocessed Federal timber; prohibits export of such unprocessed private timber by a third or successive party; prescribes procedures for reporting the acquisition and disposition of NFS and private timber requiring domestic processing, including transfers; prescribes procedures for identifying unprocessed National Forest Service and private timber requiring domestic processing; and establishes procedures for assessing civil and criminal penalties and applying administrative remedies for violations of the Act, its implementing regulations, and contracts subject to the Act.

Timetable:

Action	Date	FR Cite
NPRM	08/00/00	
NPRM Comment Period End	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0596-AB75

286. APPEAL OF REGIONAL GUIDES AND NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLANS; MULTI-AGENCY DECISIONS

Priority: Other Significant

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 217

Legal Deadline: None

Abstract: The Forest Service is increasingly cooperating with other Federal land managing agencies to address resource management issues that cross Federal administrative boundaries. An example of such an effort is the Interior Columbia Basin Ecosystem Management Project (ICBEMP). Through joint planning and decisionmaking, the Forest Service and the Bureau of Land Management (BLM) can provide more consistent direction for the management of common resources in the Columbia Basin and for other joint management projects. Because the Forest Service and the BLM each have their own separate and differing processes for administrative review of planning decisions (appeals in the Forest Service and protests in the BLM) and because it is important to maintain consistency in the decisions made and how they are implemented across Federal jurisdictions, a single process for administrative review of the joint ICBEMP decision is needed. This proposed rule permits the Forest Service to waive its appeal process in favor of an administrative review process provided by another agency when a Forest Service decision is

USDA—FS

Proposed Rule Stage

embodied in a multi-agency planning document. The intended effects are to provide the public the benefit of one administrative review process and to simplify what would otherwise be a complicated and burdensome review process.

Timetable:

Action	Date	FR Cite
NPRM	07/00/00	
NPRM Comment Period End	09/00/00	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected:
Undetermined

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RIN: 0596-AB76

287. PROTECTION OF NATIONAL FOREST SYSTEM ROADLESS AREAS

Priority: Other Significant

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1604; 42 USC 4321

CFR Citation: 36 CFR 294

Legal Deadline: None

Abstract: On October 13, 1999, the President directed the Forest Service to initiate a rulemaking process proposing the protection of the remaining roadless areas within the National Forest System. A notice of intent to prepare an environmental impact statement for this rulemaking was published in the Federal Register on October 19 (64 FR 56306). This initiative responds to strong public sentiment for protecting roadless areas and the public benefits those areas provide, including clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities, and other benefits. It also responds to public questions about the logic of building new roads in roadless areas when the Forest Service receives insufficient funding to maintain its existing road system. This rulemaking would initiate a two-part process to protect roadless areas. Part one would immediately restrict certain activities, such as road

construction, in unroaded portions of inventoried roadless areas. Part two would establish national direction for managing uninventoried roadless areas and for determining whether, and to what extent, similar protections should be extended to uninventoried roadless areas. The Agency expects considerable interest in this rulemaking from the public and Congress.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/99	64 FR 56306
ANPRM Comment Period End	12/20/99	
NPRM	04/00/00	
NPRM Comment Period End	06/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:
Undetermined

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RIN: 0596-AB77

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Forest Service (FS)

288. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254

Legal Deadline: None

Abstract: This rule sets forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act, as amended, authorizes the Secretary of the Interior to make allotments of National Forest System lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals require

the Forest Service to set forth its own regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	
Final Action	09/00/00	
Final Action Effective	11/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0596-AA52

289. DISPOSAL OF NATIONAL FOREST TIMBER; CANCELLATION OF TIMBER SALE CONTRACTS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 16 USC 472a; 16 USC 551; 16 USC 618

CFR Citation: 36 CFR 223.30; 36 CFR 223.40; 36 CFR 223.116

Legal Deadline: None

Abstract: Current regulations governing cancellation of National Forest timber sale contracts do not adequately protect the Government's financial interests in the event the Forest Service is forced to cancel contracts due to events beyond its control arising from compliance with environmental

USDA—FS

Final Rule Stage

statutes. This rulemaking would remove an unworkable compensation-of-damages formula and establish a termination-for-environmental-protection clause in timber sale contracts, a standard in most Federal procurement contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68690
NPRM Comment Period End	02/13/97	
Final Action	10/00/00	
Final Action Effective	11/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

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RIN: 0596-AB21

290. COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1764; 30 USC 181

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The objective of this proposal is to incorporate into regulation the authority contained in the Mineral Leasing Act and the Federal Land Policy and Management Act to reimburse the United States for reasonable administrative costs associated with the issuance and administration of special-use authorizations on National Forest System lands. It responds to a recommendation contained in GAO Audit Report RCED-97-16 (12/96).

Timetable:

Action	Date	FR Cite
NPRM	11/24/99	64 FR 66341
NPRM Comment Period Extended	12/29/99	64 FR 72971
NPRM Comment Period End	02/04/00	
Final Action	07/00/00	
Final Action Effective	08/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Cost reimbursement for processing special-use applications and administration of special-use authorizations was originally included under RIN 0596-AA36. All provisions pertaining to the special-use application and administration process have been merged with RIN 0596-AB35. Thus, this rulemaking addresses only the cost-reimbursement provisions.

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RIN: 0596-AB36

291. PREFERENCE FOR VISITOR SERVICE; ALASKA NATIONAL FOREST CONSERVATION SYSTEM UNITS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 3197

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The Forest Service is issuing regulations to define and establish procedures for administering the statutory rights and preferences established by the Alaska National Interest Lands Conservation Act of 1980 for historical operators, Native Corporations, and local residents to conduct revenue producing visitor services on certain National Forest System Lands in Alaska. The regulations are necessary to comply with section 1307 of the Alaska National Interest Lands Conservation Act, which requires the Secretary of Agriculture to give preference to persons he determines by rule are local residents. The regulations, which have been developed in close consultation with the other Federal land managing agencies in Alaska, will apply only to Conservation System Units administered by the Forest Service. As applied to these regulations, administered Conservation System Units are Forest Service national monuments units of the National Wild

and Scenic River Systems, National Trails System, and the National Wilderness Preservation System in Alaska.

Timetable:

Action	Date	FR Cite
NPRM	04/25/97	62 FR 20140
NPRM Comment Period End	06/24/97	
Final Action	11/00/00	
Final Action Effective	12/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0596-AB57

292. NOTICE, COMMENT, AND APPEAL PROCEDURES FOR NATIONAL FOREST SYSTEM PROJECTS AND ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-381, sec 322

CFR Citation: 36 CFR 215

Legal Deadline: None

Abstract: A recent lawsuit brought by a Forest Service employee challenging this regulation led to a reassessment of the employee appeal limitation 36 CFR 215.11(c). The Department agreed to repeal the employee prohibition provision to allow the Agency time to consider the issues related to employees filing appeals. After additional consideration of relevant factors, the Department may decide to publish a new proposed rule to address the matter of appeals by employees. If so, public comment would be requested at the time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/28/98	63 FR 4187
Final Action	07/00/00	
Final Action Effective	08/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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USDA—FS

Final Rule Stage

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 RIN: 0596-AB69

293. SMALL BUSINESS TIMBER SALE SET-ASIDE RECOMPUTATION BASIS

Priority: Info./Admin./Other

Legal Authority: 16 USC 472; 16 USC 618; 16 USC 620

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Forest Service is revising policy and procedures that will make timber sale set-aside recomputations, required by industry changes, easier to implement and more responsive to the actual conditions in the market area. Two changes were considered in the proposed policy. The first would revise the formula used to calculate the timber sale set-aside program recomputation by removing timber harvest data and instead use only timber sale purchased volume data. The second would modify the timing of a structural change implementation from 3 years to 1.5 years. Structural change recalculations are needed when a business's characteristics change, such as the size of the operation. This will simplify the process and give appropriate weight to small and big businesses. The Agency received approximately 30 comments to the proposed policy and is considering them in the final policy.

Timetable:

Action	Date	FR Cite
NPRM	05/28/99	64 FR 28969

Action	Date	FR Cite
NPRM Comment Period End	07/28/99	
Final Action	04/00/00	
Final Action Effective	05/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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 RIN: 0596-AB72

294. • ADMINISTRATION; COOPERATION WITH OTHER FEDERAL AGENCIES (36 CFR PART 211, SUBPART C)

Priority: Info./Admin./Other

Legal Authority: PL 104-307

CFR Citation: 36 CFR 211

Legal Deadline: Other, Statutory, September 30, 2000, Wildfire Suppression Act of 1996.

Abstract: The Forest Service is proposing an interim rule to implement the Wildfire Suppression Aircraft Transfer Act of 1996. The Act authorizes the Department of Defense, Defense Logistics Agency (DOD-DLA), to sell excess aircraft to eligible companies that want to contract with the Forest Service for delivery of fire retardant by air for fire suppression from October 1, 1996, through September 30, 2000. DOD-DLA

published an interim final rule in the Federal Register on June 1, 1999, (64 FR 29227), prescribing procedures for the sale of excess aircraft and aircraft parts to eligible persons or entities that propose to contract with the Forest Service for aerial delivery of fire retardant. Under the DOD-DLA interim final rule, the Secretary of Agriculture must certify in writing to the Secretary of Defense, prior to the sale of excess aircraft or aircraft parts, those persons or entities that are capable of meeting the terms and conditions of a contract to deliver fire retardant by air.

The Forest Service proposes to adopt an interim rule that will set forth Aircraft Sale Criteria that persons or entities, who want to contract with the Agency, will have to meet to be eligible to bid on DOD-DLA excess aircraft and aircraft parts for delivery of fire retardant by air for fire suppression.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/00	
Interim Final Rule Comment Period End	08/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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 RIN: 0596-AB78

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Forest Service (FS)

295. NATIONAL FOREST PROHIBITIONS

Priority: Other Significant

CFR Citation: 36 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn	02/28/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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 RIN: 0596-AA75

296. STATE AND PRIVATE FORESTRY ASSISTANCE STEWARDSHIP INCENTIVE PROGRAM

Priority: Other Significant

CFR Citation: 36 CFR 230

Completed:

Reason	Date	FR Cite
Withdrawn	02/28/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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 RIN: 0596-AB32

297. ADMINISTRATIVE, COOPERATIVE FUNDS AGREEMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 211

USDA—FS

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	11/08/99	64 FR 60675
Final Action Effective	11/08/99	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

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RIN: 0596-AB63

BILLING CODE 3410-11-F

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Office of the Secretary (AgSEC)

298. DESIGNATION OF RURAL
EMPOWERMENT ZONES AND
ENTERPRISE COMMUNITIES

Priority: Other Significant

Legal Authority: PL 105-277, sec 766

CFR Citation: 7 CFR 25

Legal Deadline: None

Abstract: This rule sets forth the policies and procedures for designating 20 additional rural enterprise communities. This rule also sets forth

the policies and procedures for a newly authorized grant program for Round II rural empowerment zones and Round II's enterprise communities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	
NPRM Comment Period End	06/00/00	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected:
Undetermined

Agency Contact: Victor Vasquez, Deputy Administrator, Office of Community Development, Department of Agriculture, Office of the Secretary, Room 701, Reporters Building, Washington, DC 20024-3203
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RIN: 0503-AA20

DEPARTMENT OF AGRICULTURE (USDA)

Long-Term Actions

Office of the Secretary (AgSEC)

299. NONDISCRIMINATION IN USDA-
CONDUCTED PROGRAMS AND
ACTIVITIES

Priority: Substantive, Nonsignificant

CFR Citation: 7 CFR 15

Timetable:

Action	Date	FR Cite
NPRM	04/23/96	61 FR 17851
NPRM Comment Period End	05/23/96	
Second NPRM	11/10/98	63 FR 62962
Second NPRM Comment Period End	12/10/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Rosalind D. Gray
 Phone: 202 720-5212

RIN: 0503-AA15

300. UNIFORM ADMINISTRATIVE
REQUIREMENTS FOR GRANTS AND
COOPERATIVE AGREEMENTS TO
STATE AND LOCAL GOVERNMENTS

Priority: Other Significant

CFR Citation: 7 CFR 3016

Timetable:

Action	Date	FR Cite
NPRM	02/17/98	63 FR 7734
NPRM Comment Period End	06/18/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: State, Local, Tribal

Agency Contact: Gerald Miske
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RIN: 0503-AA16

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Rural Business-Cooperative Service (RBS)

301. BUSINESS AND INDUSTRY
DIRECT LOAN PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart A; 7 CFR 1980 subpart E; 7 CFR 1942 subpart A; 7 CFR 1951 subpart E; 7 CFR 4274 subpart I; 7 CFR 4287 subpart H

Legal Deadline: None

Abstract: The Agency currently utilizes RD Instructions 1980-A and E, 1942-A, 1951-E to make and service new and existing direct B&I loans. These regulations contain very limited direction in direct B&I loanmaking. The Agency is writing new regulations to replace the instructions for direct loanmaking and servicing. This program will complement the Agency's existing guaranteed (B&I) loan program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/00	
NPRM Comment Period End	07/00/00	

Regulatory Flexibility Analysis
Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations